

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Stacy Donnelly,

Plaintiff,

-v-

Carolyn W. Colvin, Acting Commissioner of
Social Security,

Defendant.

USDC SDNY
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DATE FILED: MAR 31 2015

13-CV-7244 (AJN) (RLE)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

ALISON J. NATHAN, District Judge:

Before the Court is Magistrate Judge Ronald Ellis's Report and Recommendation ("Report" or "R&R") dated March 13, 2015, Dkt. No. 22, addressing the parties' respective motions for summary judgment on the pleadings. Judge Ellis recommended that Plaintiff's motion be granted in part and that the case be remanded for further administrative proceedings. The Court presumes familiarity with the factual and procedural background of this case as set forth in Judge Ellis's Report.

District courts may designate magistrate judges to hear and determine certain dispositive motions and to submit proposed findings of fact and a recommendation as to those motions. 28 U.S.C. § 636(b)(1). Any party wishing to object to a magistrate judge's report and recommendation must do so within fourteen days after being served with a copy of the report and recommendation. *Id.* If a party submits a timely objection to a report and recommendation, the district court reviews *de novo* those portions to which the party objected. *Id.*; see also *Norman v. Astrue*, 912 F. Supp. 2d 33, 39 (S.D.N.Y. 2012). Otherwise, "[w]here no 'specific written objection' is made, the district court may adopt those portions 'as long as the factual and legal basis supporting the findings and conclusions set forth . . . are not clearly erroneous or contrary to law.'" *Norman*, 912 F. Supp. 2d at 39 (quoting *Eisenberg v. New England Motor Freight*,

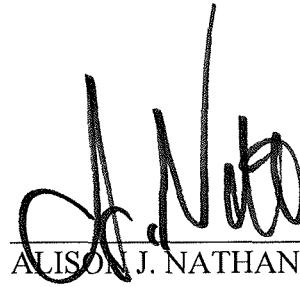
Inc., 564 F. Supp. 2d 224, 226-27 (S.D.N.Y. 2008)). Because neither party filed an objection to Judge Ellis's Report within the requisite fourteen days, the Court reviews his entire Report for clear error.

Upon review of Judge Ellis's thorough and well-reasoned Report, the Court finds no clear error. Thus, Judge Ellis's Report is adopted in its entirety as the opinion of the Court. *See, e.g., Beller v. Astrue*, No. 12 CV 5112 (VB), 2013 U.S. Dist. LEXIS 79541, at *2-3 (S.D.N.Y. June 5, 2013). As stated in Judge Ellis's Report, because the administrative law judge did not consult a vocational expert in her discussion of jobs in the economy that Plaintiff can perform, remand for further administrative proceedings is appropriate.

Therefore, Plaintiff's motion is GRANTED in part, and the case is hereby REMANDED for further administrative proceedings. This resolves Dkt. Nos. 14 and 19. The Clerk of Court is directed to enter judgment and close this case.

SO ORDERED.

Dated: March 31, 2015
New York, New York



ALISON J. NATHAN
United States District Judge